

Order to Adopt
Title 13, Division 1, Chapter 1
Article 3.5 – Motor Carriers Permit Program

§ 222.00 Motor Carrier Permit Suspension Hearing Request

To request a hearing under Vehicle Code section 34623(f), a suspended motor carrier permit holder shall submit the following in writing to the Department of Motor Vehicles, Legal Affairs Division, 2415 First Avenue, MS C-128, Sacramento, CA 95818, or by facsimile to (916) 657-6243:

- (a) The motor carrier's name, address and phone number;
- (b) The motor carrier's permit number that is the subject of an order of suspension;
- (c) A statement indicating petitioner requests a hearing to protest the order of suspension;
- and
- (d) If the motor carrier is represented by an attorney at the hearing, the name, address and telephone number of the attorney.

Note: Authority cited: Sections 1651 and 34604, Vehicle Code. Reference: Section 34623, Vehicle Code.

§222.02 Hearing Procedures

Chapters 4.5 and 5 of Part 1 of Division 3 of the Government Code apply to the conduct of a motor carrier permit suspension hearing except for the following:

- (a) A hearing shall be set no later than 21 days after the department receives a complete request for hearing;
- (b) Neither the department nor the administrative law judge may grant a stay of the suspension order before the hearing is concluded unless directed to do so by the superior court;
- (c) The administrative law judge shall prepare the proposed decision in Government Code section 11517(c)(1) within 10 days after the case is submitted to the judge;
- (d) The department shall act pursuant to Government Code section 11517(c)(2) within 10 days of receipt of the administrative law judge's decision. If the department fails to act within 10 days, the proposed decision of the administrative law judge is the final decision of the department; and
- (e) Notwithstanding Government Code section 11506(a), a motor carrier may request a hearing within 90 days of the commencement of the suspension period.

Note: Authority cited: Sections 1651 and 34604, Vehicle Code. Reference: Section 34623, Vehicle Code.